

Message Text

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ACTION IO-14

INFO OCT-01 AF-10 EUR-12 ISO-00 CIAE-00 DODE-00 PM-05
H-01 INR-10 L-03 NSAE-00 PA-01 SP-02 SS-15
NSCE-00 SSO-00 USIE-00 INRE-00 HA-05 AID-05 /084 W
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O R 150318Z FEB 78
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC IMMEDIATE 9576
AMCONSUL CAPETOWN IMMEDIATE
INFO AMEMBASSY BONN
AMEMBASSY DAR ES SALAAM
AMEMBASSY GABORONE
AMEMBASSY LAGOS
AMEMBASSY LONDON
AMEMBASSY MAPUTO
AMEMBASSY LUSAKA
AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY PRETORIA

C O N F I D E N T I A L SECTION 1 OF 2 USUN 0528

FOR EMBASSY CAPETOWN

E.O. 11652: GDS
TAGS: PORG, SF, WA
SUBJECT: NAMIBIA: CLARIFICATIONS OF PROPOSAL

REF: (A) USUN 320; (B) USUN 510

1. CONTACT GROUP AGREED FEBRUARY 14 AD REFERENDUM TO
CAPITALS THAT FOLLOWING CHANGES (SEE PARA 3 BELOW) IN LANGUAGE
OF THE WESTERN FIVE PROPOSAL (REF A) SHOULD BE INFORMALLY
DISCUSSED WITH BRAND FOURIE AND SAM NUJOMA. GROUP IS REQUEST-
ING URGENT REACTIONS FROM CAPITALS IN HOPES THAT DISCUSSIONS
WITH FOURIE AND NUJOMA CAN TAKE PLACE PM FEBRUARY 15.

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2. FOR CAPETOWN: WE WISH TO STRESS THE INFORMALITY IN
WHICH GROUP BELIEVES THESE DISCUSSIONS SHOULD BE HELD, AND
IT IS IN THIS LIGHT THAT WE SUGGESTED REF B THAT MEETING
WITH FOURIE TAKE PLACE AWAY FROM HIS OFFICE. THE PURPOSE
OF THESE DISCUSSIONS IS NOT TO PROPOSE THE NEW LANGUAGE
TO THE PARTIES BUT RATHER TO OBTAIN THEIR INFORMAL

REACTIONS TO IT. PARAGRAPH THREE BELOW CONTAINS THE CLARIFYING LANGUAGE WHICH GROUP HAS DRAFTED, AS WELL AS RELATED COMMENTS. WE HAVE NOT AS YET ATTEMPTED TO CLARIFY THE LANGUAGE RELATING TO THE DEMOBILIZATION AND DISMANTLING OF THE ETHNIC FORCES, COMMANDOS, AND CITIZEN FORCES AS WE ARE AWAITING INFORMATION WHICH FOURIE HAS PROMISED. THAT INFORMATION CONCERNS: THE COMMAND STRUCTURE OF THE COMMANDOS AND CITIZEN FORCES; THE SIZE, COMPOSITION, AND COMMAND STRUCTURES OF THE ETHNIC OR REGIONAL FORCES; AS WELL AS ANY IMMEDIATE PLANS WHICH MIGHT AFFECT THIS INFORMATION. THE CONTACT GROUP HAS ALSO NOT YET ATTEMPTED TO DEVISE A GENERAL DISPUTE SETTLEMENT MECHANISM. IN DISCUSSING CLARIFYING LANGUAGE WITH FOURIE, YOU SHOULD BRING UP WALVIS BAY LAST. (CANADIAN MISSION HAS ASKED THAT YOU PASS CONTENTS OF PARAGRAPH THREE TO YOUR CANADIAN COLLEAGUES).

3. FOLLOWING IS CLARIFYING LANGUAGE:

(A) PARAGRAPH TWO OF PROPOSAL, SENTENCE TWO: REWRITE SO THAT IT NOW READS AS FOLLOWS: "WHILE THE PROPOSAL ADDRESSES ITSELF TO ALL ELEMENTS OF RESOLUTION 385, THE KEY TO AN INTERNATIONALLY ACCEPTABLE TRANSITION TO INDEPENDENCE IS FREE ELECTIONS FOR THE WHOLE OF NAMIBIA AS ONE POLITICAL ENTITY WITH AN APPROPRIATE UNITED NATIONS ROLE AS REQUIRED BY RESOLUTION 385".

(B) PARAGRAPH TWO, SENTENCE THREE: REPLACE THE WORDS "WHOSE TASK WILL BE TO ENSURE THE ESTABLISHMENT CONFIDENTIAL

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OF CONDITIONS THAT WILL ALLOW FREE AND FAIR ELECTIONS AS REQUIRED BY RESOLUTION 385" WITH THE WORDS "WHOSE CENTRAL TASK WILL BE TO MAKE SURE THAT CONDITIONS ARE ESTABLISHED WHICH WILL ALLOW FREE AND FAIR ELECTIONS AND AN IMPARTIAL ELECTORAL PROCESS."

(C) PARAGRAPH TWO, SENTENCE FOUR (BEGINNING "THE CENTRAL TASK"): DELETE ENTIRE SENTENCE.

(D) PARAGRAPH THREE, SENTENCE TWO: REWRITE SO THAT SENTENCE NOW READS: "AUTHORITY WOULD THEN BE ASSUMED DURING 1978 BY THE GOVERNMENT OF NAMIBIA." COMMENT: THIS CHANGE IS MADE IN ORDER TO AVOID RAISING THE QUESTION OF WHO TRANSFERS AUTHORITY. END COMMENT.

(E) PARAGRAPH FOUR, FINAL SENTENCE: INSERT THE WORDS "LEGALITY OF THE" BEFORE THE WORDS "SOUTH AFRICAN" SO THAT SENTENCE NOW READS: "THIS WORKING ARRANGEMENT SHALL IN NO WAY CONSTITUTE RECOGNITION OF THE LEGALITY OF THE SOUTH AFRICAN PRESENCE IN AND ADMINISTRATION OF NAMIBIA."

(F) PARAGRAPH FIVE, SENTENCE TWO: REWRITE LAST PORTION OF SENTENCE ONLY SO THAT IT READS: "...THE UNITED NATIONS SPECIAL REPRESENTATIVE WILL HAVE TO SATISFY HIMSELF AT EACH STAGE AS TO THE FAIRNESS AND APPROPRIATE-

NESS OF ALL ASPECTS OF THE POLITICAL PROCESS AT ALL LEVELS
OF ADMINISTRATION." IMMEDIATELY THEREAFTER, INSERT THE
FOLLOWING TWO SENTENCES: "IF HE IS NOT SATISFIED WITH
ANY MEASURE ENVISAGED WHICH EFFECTS THE POLITICAL
PROCESS, IT SHALL NOT TAKE EFFECT. MOREOVER THE SPECIAL
REPRESENTATIVE MAY HIMSELF PROPOSE ACTION FOR THE IMPLEMENTA-
TION OF ANY ASPECT OF THE POLITICAL PROCESS."

COMMENT: THE LAST SENTENCE IS INTENDED TO MAKE CLEAR
THAT THE SPECIAL REPRESENTATIVE MAY SUGGEST TO THE ADMINI-
STRATOR GENERAL COURSES OF ACTION, EITHER AS AN ALTER-
NATIVE TO AG'S PROPOSALS OR ON HIS ACCOUNT. END COMMENT.

(G) PARAGRAPH FIVE, SENTENCE THREE (BEGINNING "IN THE
DISCHARGE OF HIS DUTIES..."): DELETE ENTIRE SENTENCE
AND REPLACE IT WITH FOLLOWING SENTENCE: "HE WILL HAVE
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AT HIS DISPOSAL A SUBSTANTIAL CIVILIAN SECTION OF THE
UNITED NATIONS TRANSITION ASSISTANCE GROUP, SUFFICIENT
TO CARRY OUT HIS DUTIES SATISFACTORILY."

(#H) PARAGRAPH SIX, SENTENCE THREE: REPLACE THE
WORDS "PERSON WHO IS DETERMINED TO BE A NAMIBIAN CITIZEN"
WITH THE WORD "NAMIBIAN" SO THAT SENTENCE NOW READS:
"EVERY ADULT NAMIBIAN WILL BE ELIGIBLE...."

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C O N F I D E N T I A L SECTION 2 OF 2 USUN 0528

FOR EMBASSY CAPETOWN

(I) PARAGRAPH SIX, SENTENCE FIVE: REPLACE THE WORDS
"THE EDLINEATION OF ELCTORAL CONSTITUENCIES" WITH THE
WORDS "THE ELCTORAL SYSTEM".

(J) PARAGRAPH SIX, SENTENCE SEVEN (BEGINNING "ALL
OF THESE ELECTORAL PROCEDURES"): DELETE ENTIRE SENTENCE
AND REPLACE IT WITH THE FOLLOWING SENTENCE: "THE OFFICIAL
ELECTORAL CAMPAIGN SHALL COMMENCE ONLY AFTER THE UN
SPECIAL REPRESENTATIVE HAS SATISFIED HIMSELF AS TO THE
FAIRNESS AND APPROPRIATENESS OF THE ELECTORAL PROCEDURES"

(K) PARAGRAPH SEVEN, SECTION A: INSERT THE WORD
"REMAINING" BETWEEN THE WORDS "ALL" AND "DISCRIMINATORY";
REPLACE THE WORD "DECISIONS" WITH THE WORD "MEASURES"
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(L) PARAGRAPH SEVEN : SECTION B: REWRITE ENTIRE
SECTION AS FOLLOWS: "THE ADMINISTRATOR GENERAL SHALL
MAKE ARRANGEMENTS FOR THE RELEASE, PRIOR TO THE BEGINNING
OF THE ELECTORAL CAMPAIGN, OF ALL NAMIBIAN POLITICAL
PRISONERS OR POLITICAL DETAINEES HELD BY THE SOUTH
AFRICAN AUTHORITIES SO THAT THEY CAN PARTICIPATE FULLY
AND FREELY IN THE PROCESS, WITHOUT RISK OF ARREST,
DETENTION, INTIMIDATION OR IMPRISONMENT. ANY DISPUTES
CONCERNING THE RELEASE OF POLITICAL PRISONERS OR POLITICAL
DETAINEES SHALL BE RESOLVED TO THE SATISFACTION OF
THE SPECIAL REPRESENTATIVE ACTING ON THE INDEPENDENT
ADVICE OF A JURIST OF INTERNATIONAL STANDING WHO SHALL
BE APPOINTED BY THE SECRETARY GENERAL TO BE THE SPECIAL
REPRESENTATIVES' CHIEF LEGAL ADVISER." COMMENT: THE
WORD "INDEPENDENT" IS DESIGNED TO MEET SOUTH AFRICA'S
CONCERNS. AT THE SAME TIME THE JURIST'S APPOINTMENT
AS THE SR'S CHIEF LEGAL ADVISER IS DESIGNED TO MEET A
CONCERN OF SWAPO. END COMMENT.

(M) PARAGRAPH SEVEN , SECTION C, SENTENCE ONE:
INSERT THE WORD "PEACEFULLY" IMMEDIATELY AFTER THE WORD
"RETURN".

(MM) PARAGRAPH SEVEN, SECTION D, SENTENCE TWO:
DELETE THE WORDS "WHERE NECESSARY".

(N) PARAGRAPH EIGHT, SENTENCE TWO (BEGINNING
"ANNEX A DESCRIBED..."). AFTER THE WORD "NAMIBIA"
DELETE THE WORD "ADD" AND INSERT A COMMA AND THE WORDS

"AND WITH RESPECT TO"SO THAT LAST FEW WORDS OF SENTENCE
READ: "...WITH RESPECT TO OTHER ORGANIZED FORCES IN
NAMIBIA, AND WITH RESPECT TO THE FORCES OF SWAPO."

(O) PARAGRAPH EIGHT, SECTION A: REPLACE THE WORDS
"ESTABLISHED BASES UNDER UN MONITORING" WITH THE WORLD
"BASE". COMMENT. THE MONITORING ROLE OF THE UN IS
PICKED UP IN MORE GENERAL FORMULATION IN POINT "R"
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BELOW. END COMMENT.

(P) PARAGRAPH EIGHT, SECTION B, SENTENCE ONE:
INSERT WORD "THEREAFTER"AT START OF SENTENCE.

(Q) PARAGRAPH EIGHT, SECTION B, SENTENCE TWO:
DELETE THE WORDS "AND MONITORED BY UNITED NATIONS
PERSONNEL." COMMENT SEE "R"BELOW. END COMMENT.

(R) PARAGRAPH EIGHT, SECTION D: MAKE THIS SECTION
E INSTEAD OF DE AND REWRITE IT AS FOLLOWS: "A MILITARY
SECTIONOF THE UNITED NATIONS TRANSITION ASSISTANCE
GROUP TO MONITOR AND TO ENSURE THE OBSERVATION BY ALL
PARTIES OF THE PROVISIONS OF THE AGREED SETTLEMENT. IN
ESTABLISHING THE MILITARY SECTION OF UNTAG, THE SECRETARY
GENERAL WILL KEEP IN MIND FUNCTIONAL AND LOGISTICAL
REQUIREMENTS. HE WILL, IN THE NORMAL MANNER, INCLUDE IN HIS
CONSULTATIONS ALL THOSE CONCERNED WITH THE IMPLEMENTATION
OF THE AGREEMENT. THE FIVE GOVERNMENTS, AS MEMBERS OF THE
SECURITY COUNCIL, WILL SUPPORT THE SECRETARY GENERAL'S
JUDGEMENT IN HIS DISCHARGE OF THESE RESPONSIBILITIES."

(S) PARAGRAPH EIGHT, SECTION E: MAKE THIS SECTION
D INSTEAD OF E.

(T) PARAGRAPH 9: AFTER THIRD SENTENCE INSERT NEW
SENTENCE AS FOLLOWS: "THE POLICE FORCES WOULD BE LIMITED
TO THE CARRYING SMALL ARMS IN THE NORAML PERFORMANCD
OF THEIR DUTIES."

(U) PARAGRAPH 11: DELETE ENTIRE PARAGRAPH. COMMENT:
YOU SHOULD EXPLAIN THAT WALVIS BAY QUESTION MAY HAVE TO BE
COVERED IN SOME WAY AND SUGGEST TENTATIVELY THE FOLLOWING
FORMULATION: "THE FIVE NOTED CONFLICTING POSITIONS ON
WALVIS BAY. THE FIVE ALSO NOTED THE ASSURANCE THAT THE
STRENGTH OF SOUTH AFRICAN FORCES IN WALVIS BAY WOULD
NOT BE INCREASED. THE FIVE CONSIDER THAT ALL ASPECTS
OF THE QUESTION OF WALVIS BAY SHOULD BE SUBJECT TO
DISCUSSION BETWEEN THE SOUTH AFRICAN GOVERNMENT AND
THE GOVERNMENT OF NAMIBIA. DURING THE TRANSITION
PROCESS, THE FIVE WOULD EXPECT THAT PROVISION WOULD
BE MADE TO ALLOW NAMIBIANS OF WALVIS BAY TO PARTICIPATE
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IN THE POLITICAL PROCESS DESCRIBED IN THIS PROPOSAL.
END COMMENT.

(V) ANNEX: ITEM 3: ADD UNDER "OTHER ACTION" THE
FOLLOWING: "RELEASE OF POLITICAL PRISONERS" DETAINEES
WHEREEVER HELD BEGINS AND IS TO BE COMPLETED AS SOON
AS POSSIBLE."

(W) ANNEX: ITEM 4: DELETE REFERENCE TO POLITICAL
PRISONERS/DETAINEES.

(X) ANNEX: ITEM 4: OTHER ACTION: SENTENCE BEGINNING
"ALL ARMS..." SHOULD NOW READ: "ALL ARMS, MILITARY EQUIP-
MENT, AND AMMUNITION OF CITIZEN FORCES AND COMMANDOS
CONFINED TO DRILL HALLS UNDER UN SUPERVISION."

(Y) ANNEX: ITEM FIVE: OTHER ACTION: ADD COMPLETION
OF RELEASE OF POLITICAL PRISONERS/DETAINEES WHEREVER HELD."

(Z) ANNEX : ITEM SIX: DELETE ENTRY UNDER OTHER ACTION.
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Message Attributes

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SAS ID: 3582118
Secure: OPEN
Status: NATIVE
Subject: NAMIBIA: CLARIFICATIONS OF PROPOSAL
TAGS: PORG, SF, WA
To: STATE CAPE TOWN
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/55cff2d8-c288-dd11-92da-001cc4696bcc
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